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## SENATE BILL No. 18

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-8-1-5; IC 5-8-1-37.

**Synopsis:** Loss of office by convicted official. Conforms several provisions concerning eligibility for or removal from elected office by: (1) providing a uniform definition of a felony; and (2) specifying the time for disqualification or removal.

**Effective:** July 1, 2005.

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January 4, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 18

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-8-1-5 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) This section does not apply  
3 to a candidate for federal office.  
4 (b) A person is disqualified from holding or being a candidate for  
5 an elected office if the person:  
6 (1) gave or offered a bribe, threat, or reward to procure the  
7 person's election, as provided in Article 2, Section 6 of the  
8 Constitution of the State of Indiana;  
9 (2) does not comply with IC 5-8-3 because of a conviction for a  
10 violation of the federal laws listed in that statute;  
11 (3) has:  
12 (A) entered a plea of guilty or nolo contendere to; or  
13 (B) been convicted of;  
14 a felony (as defined in ~~IC 35-50-2-1~~), **IC 35-50-2-1(b)**), and the  
15 **court has pronounced the sentence for the felony**;  
16 (4) has been removed from the office the candidate seeks under  
17 Article 7, Section 11 or Article 7, Section 13 of the Constitution

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of the State of Indiana;

(5) is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or

(6) is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.

SECTION 2. IC 5-8-1-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 37. (a) As used in this section:

"Felony" means any crime punishable by imprisonment for more than one (1) year in any correctional facility. **has the meaning set forth in IC 35-50-2-1(b).**

"Public officer" means any person, elected or appointed, who holds any state, county, township, city, or town office.

(b) Any public officer convicted of a felony during ~~his~~ **the officer's** term of office shall:

(1) be removed from office by operation of law when ~~he~~ **is sentenced for the felony; the court pronounces the sentence for the felony;** and

(2) not receive any salary or remuneration from the time ~~he~~ **is sentenced for the felony; the court pronounces the sentence for the felony.**

(c) If the conviction is reversed, vacated, or set aside, and the officer's term has not expired, the officer shall:

(1) be reinstated in office; and

(2) receive any salary or other remuneration which ~~he~~ **the officer** would have received had ~~he~~ **the officer** not been removed from office.

(d) If the conviction is reversed, vacated, or set aside, and the officer's term has expired, ~~he~~ **the officer** shall receive any salary or other remuneration which ~~he~~ **the officer** would have received had ~~he~~ **the officer** not been removed from office.

(e) Every vacancy in a public office caused by the removal of a public officer under this section shall be filled as provided by law. If a convicted public officer is reinstated, the person filling the office during the appeal shall cease to hold the office.

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